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RESOLUTION NO. 09-191

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING INTERCHANGE IMPROVEMENTS ON K-96 HIGHWAY AND GREENWICH ROAD TO PROVIDE A WESTBOUND EXIT RAMP FROM K-96 HIGHWAY ONTO GREENWICH ROAD AND AN EASTBOUND ENTRANCE RAMP FROM GREENWICH ROAD ONTO K-96 HIGHWAY 472-84832 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING INTERCHANGE IMPROVEMENTS ON K-96 HIGHWAY AND GREENWICH ROAD TO PROVIDE A WESTBOUND EXIT RAMP FROM K-96 HIGHWAY ONTO GREENWICH ROAD AND AN EASTBOUND ENTRANCE RAMP FROM GREENWICH ROAD ONTO K-96 HIGHWAY 472-84832 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing interchange improvements on K-96 Highway and Greenwich Road to provide a westbound exit ramp from K-96 Highway onto Greenwich Road and an eastbound entrance ramp from Greenwich Road onto K-96 Highway 472-84832. Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to Five Hundred Thousand Dollars (\$500,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth may be increased to include temporary interest or finance costs incurred during the course of design of this project.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

UNPLATTED TRACT

Parcel #1:

The South Half of the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT the following tracts:

Tract 1:

A tract in the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the Southwest corner of said Northwest Quarter, thence East 223 feet, thence North 150 feet, thence West 223 feet, thence South 150 feet to the point of beginning.

Tract 2:

That part of the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning 150 feet North of the Southwest corner thereof; thence North along the West line of said Northwest Quarter 7.0 feet;

thence East parallel with the South line of said Northwest Quarter, 223.0 feet; thence South parallel with the West line of said Northwest Quarter, 7.0 feet; thence West parallel with the South line of said Northwest Quarter, 223.0 feet to the point of beginning.

Tract 3:

The West 60 feet of the South Half of the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, as dedicated in Doc#/Flm-Pg: 28739057

Parcel #2:

A tract in the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the Southwest corner of said Northwest Quarter, thence East 223 feet, thence North 150 feet, thence West 223 feet, thence South 150 feet to the point of beginning, except the West 60 feet thereof as dedicated in Doc#/Flm-Pg: 28739057

Parcel #3:

That part of the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning 150 feet North of the Southwest corner thereof; thence North along the West line of said Northwest Quarter 7.0 feet; thence East parallel with the South line of said Northwest Quarter, 223.0 feet; thence South parallel with the West line of said Northwest Quarter, 7.0 feet; thence West parallel with the South line of said Northwest Quarter, 223.0 feet to the point of beginning, except the West 60 feet thereof as dedicated in Doc#/Flm-Pg: 28739057

Parcel #4:

A tract of land in the Southwest Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas more particularly described as follows: Commencing at the Northwest corner of the Southwest Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, thence N89° 07'30"E along the North line of said Southwest Quarter, a distance of 50.00 feet to the point of beginning; thence bearing N89° 07'30"E along the North line of said Southwest Quarter, a distance of 2,597.70 feet to the Northeast corner of said Southwest Quarter: thence bearing S00° 35'35"E along the East line of said Southwest Quarter, a distance of 1,815.28 feet to the intersection of the North Right of Way of K-96 Highway; thence along the North Right-of-Way of the K-96 Highway the following courses and distances; N24° 08'08"W a distance of 532.89 feet to the Point of Curvature of a curve to the left with a radius of 2,039.86 feet and a chord distance of 1,696.46 feet bearing N48°12'42"W; thence along said curve to the left through a central angle of 49° 08'34", an arc distance of 1,749.60 feet; thence bearing N73° 44'11"W a distance 322.28 feet; thence bearing N85° 58'54"W, a distance of 301.62 feet; thence bearing S89° 49' 11"W, a distance of 522.46 feet; thence bearing N0°43'07"W, parallel with the West line of said Southwest Quarter a distance of 49.03 feet to the Point of Beginning.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when

driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 7<sup>th</sup> day of July, 2009.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)